

Prepared by and Return to
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INSTR # 2001045613
OR BK 10611 PG 0267

RECORDED 02/13/2001 04:00 PM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DEPUTY CLERK B King

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF OSPREY RUN TOWNHOMES**

This First Amendment ("Amendment") to Declaration of Covenants, Conditions and Restrictions of Osprey Run Townhomes is made this _____ day of February, 2001, by **OSPREY RUN DEVELOPERS, INC.**, a Florida corporation ("**Declarant**"), and is made upon the following recitals of fact.

RECITALS:

A. WHEREAS, Declarant executed the Declaration of Covenants, Conditions and Restrictions of Osprey Run Townhomes on June 30, 2000, ("**Declaration**"), which Declaration was recorded July 13, 2000 in Official Records Book 10274, Page 791, of the Public Records Hillsborough County, Florida; and

B. WHEREAS, the Declaration provides in Article XII, Section 2, Paragraph 1 that as long as there is a Class B membership, Declarant may unilaterally amend the Declaration; and

C. WHEREAS, Declarant desires to amend and modify the Declaration in accordance with the provisions of this Amendment

NOW THEREFORE, Declarant hereby declares the following amendments and modifications to the Declaration and declares that the Property (as described in the Declaration) shall be held, sold, and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration, as amended hereby which are for the purpose of protecting the value and desirability of, and which shall run with the Property and be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each party thereof.

1. **Timing of Construction of Certain Common Area Improvements.**
Notwithstanding anything to the contrary contained in the Declaration, Declarant does not commit to construct improvements within Tract "B" of Common Area of Osprey Run Townhomes Phase I (as described upon **Exhibit "D"** attached to the Declaration and on the plat of Osprey Run Townhomes Phase I, recorded in Plat Book 88, Page 81, of the Public Records of Hillsborough County, Florida), including but not limited to sidewalks, paths, entryways, recreation facilities and open or landscape areas, until such time as, and only in the event that, Declarant commences development of Osprey Run Townhomes Phase II upon certain real property situated immediately adjacent to the Property which is owned by Declarant and which is more particularly described On **Exhibit "A"** attached hereto and made a part hereof ("Phase II").

"Commence development" for the purposes of the Declaration and this Amendment shall mean the commencement of construction of Residences (as defined in the Declaration) within Phase II.

2. Timing of Conveyance of Common Area to the Association. Notwithstanding anything to the contrary set forth in the Declaration, Declarant does not commit to convey or assign any interest in or to the Common Area to the Association until at least ninety percent (90%) of the Residences situated within Osprey Run Townhomes Phase I have been sold to third-party buyers; provided, however, that in the event development of Phase II is commenced (as described in Section 1 of this Amendment) prior to such date, Declarant does not commit to convey or assign any interest in or to the Common Area to the Association until at least ninety percent (90%) of the Residences situated within Osprey Run Townhomes Phase I and to be situated upon Phase II have been sold to third-party buyers.

IN WITNESS WHEREOF, the undersigned, being Declarant, has hereto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence

Carol R. Fezzy
Print Name: Carol R. Fezzy

Robert A. Hewitt
Print Name: ROBERT A. HEWITT

"DECLARANT"

OSPREY RUN DEVELOPERS,
INC., a Florida corporation

By: Eric Isenbergh
Eric Isenbergh, President

Address: 10405 BLOOMINGDALE AVE
RIVERVIEW, FL 33569

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 6 day of February, 2001 by Eric Isenbergh, as President of **OSPREY RUN DEVELOPERS, INC.**, a Florida corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

Carol R. Fezzy
Notary Public _____
Print Name: _____

My commission expires:



Carol R. Fezzy
MY COMMISSION # CC842942 EXPIRES
July 29, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

JOINDER AND CONSENT TO FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTION OF OSPREY RUN TOWNHOMES

The undersigned, **WASHINGTON MUTUAL BANK, F.A.**, a Federal Association, hereby joins in, consents to, acknowledges and subordinates to the declaration, as amended by the foregoing First Amendment to Declaration Of Covenants, Conditions And Restriction Of Osprey Run Townhomes, executed by **OSPREY RUN DEVELOPERS, INC.**, a Florida corporation as "Declarant".

WASHINGTON MUTUAL BANK, F.A. a
Federal Association

By: *Lisa Leger*
Print Name Lisa Leger
Its: Assistant Vice President
Date February 9, 2001

STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 9th day of February, 2001 by Lisa Leger, as Asst V.P. of WASHINGTON MUTUAL BANK, F.A., a Federal Association, on behalf of the Bank. He (she) is personally known to me or has produced _____ as identification.

Jennifer L. Sebrell
Notary Public _____
Print Name: _____

My commission expires:



Jennifer L. Sebrell
My Commission GC772088
Expires October 13, 2002